NOTES

THE LAW SCHOOL.—The registration for the academic year of 1920-1921, the 167th of the University, shows an increase of 63 over last year. There are now 536 students registered in the Law School: 221 in the first year class, 169 in the second year, 96 in the third year, 46 non-matriculants, and 4 candidates for the degree of Master of Laws. This number includes representatives of 120 colleges and universities.

Professor Gifford will be on leave of absence during the spring session. He is accordingly giving his course in Wills in the winter session. Professor Abbott has taken over the course in Domestic Relations.

A new course will be offered in the spring session by Mr. Robert L. Hale, '18 Ph. D., on the law of Damages.

The course in Admiralty is to be given by Mr. George DeF. Lord, II, '17 LL. B. While in the Law School, Mr. Lord was Secretary of the COLUMBIA LAW REVIEW.

THE VALIDITY OF ACCUMULATIONS IN NEW YORK.—The recent case of *In re Kohler* (App. Div., 1st Dept., 1920) 183 N. Y. Supp. 550, reversing (1916) 96 Misc. 433, 160 N. Y. Supp. 699, presents an interesting problem in connection with the accumulation of income and the distribution of that accumulation. The facts material to the present discussion are briefly as follows. The testator left surviving him a wife and three daughters for whom he made provisions in the 8th clause of his will by directions to his trustees to set up four trusts to yield an annual income of $25,000 each for the life of each beneficiary. The 12th, 13th and 14th clauses of the will empowered the trustees to continue the testator's business as a trust and pay to each of the above-named persons $25,000 a year in lieu of profits and regardless of business profits. Then followed a general residuary clause making the three daughters residuary legatees. The trustees continued the business as a trust business and after paying the annuities for several years had a surplus of over $1,000,000, which the three daughters now claim as residuary legatees, on the ground that the accumulation is unlawful and must be disposed of. In an action to construe the will and determine the disposition of the surplus, the surrogate *held*: (1) that it was the duty of the trustees to set up the trusts under clause 8 of the will and that the business should be disposed of; (2) that no trust had been established by the executors in conducting the business and, therefore, the surplus was not an accumulation of a trust, but became a portion of the residuary estate to be distributed to the residuary legatees. The Appellate Division *held*: (1) on the contrary, that the trustees in the exercise of their discretion had continued the business as a trust and that the trusts had been effectively established by book entries; (2) that the accumulations were not accumulations of income but of business profits and, therefore, valid.

As the two courts reached opposite results, an analysis of the will and the law governing the construction of wills is necessary. It seems clear that clause 8 and clauses 12, 13 and 14 of the will provide for an alternative plan leaving to the discretion of the trustees the privilege of